

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CAROLYN J. O'LEARY, individually
and on behalf of all other similarly situated individuals,

Plaintiffs,

v.

Case No. 17-C-1774

HUMANA INSURANCE COMPANY
and HUMANA INC.,

Defendants.

**ORDER APPROVING STIPULATED CONDITIONAL CLASS CERTIFICATION AND
NOTICE TO PUTATIVE MEMBERS OF COLLECTIVE ACTION**

On June 12, 2018, the parties filed a stipulation to conditionally certify a collective action pursuant to Section 16(b) of the Fair Labor Standards Act and authorize notice. ECF No. 22. The court APPROVES the stipulation, and orders that:

1. The following class is conditionally certified under 29 U.S.C. § 216(b):

All persons who were classified as exempt under the FLSA and worked as clinical nurse advisors for Defendants in the roles of Clinical Intake, Clinical Claims Review, Clinical Claims Review — DME, Acute Case Managers, or Market Clinical — Senior Products utilization management nurses, at any time within the three years prior to the date the Court approves this Stipulation.¹

2. Within fourteen (14) days of the Court approving this stipulation by signing below, Defendants shall provide to Plaintiff's counsel the names, dates of employment within the defined positions, and home address for all Putative Members of the Collective as defined above. Defendants shall provide such information in a computer-readable format, such as a Microsoft Excel spreadsheet.

¹ Excluded from this collective definition are those individuals who were mailed notices and consents to opt-in in October 2017 in an FLSA collective action styled *Killebrew v. Humana Inc.*, Civil Action No. 5:16-cv-01276 (W.D. Tex., San Antonio Div.).

Additionally, in the event that any notices are returned as undeliverable, Defendants shall provide the dates of birth for those individuals so that Plaintiff can perform a skip trace.

3. Plaintiff's counsel shall mail a copy of the stipulated Notice of Rights and stipulated Consent Form via first class mail to all persons contained on the list within fourteen (14) days of receiving the list from Defendants. Attached hereto as Exhibit A is the Notice of Rights to the class members and Exhibit B the consent form. The Parties have stipulated that these documents are timely, accurate, and informative. Plaintiff's counsel may hire a class action administration company to oversee the mailing of the notice and forms, at Plaintiff's expense. Plaintiff's counsel will not otherwise initiate communication with Putative Members of the Collective unless authorized by the Court. However, this shall not restrict Plaintiff's counsel from responding to inquiries by Putative Members.

4. Elizabeth J. Eberle of Miner, Barnhill & Galland, P.C., shall serve as class counsel and Carolyn J. O'Leary shall serve as the representative for the opt-in plaintiffs.

5. Defendants reserve the right to later argue that Plaintiff and any opt-in Plaintiff are not "similarly situated" under applicable law, and to seek decertification from the Court on any grounds they deem appropriate.

6. Defendants will not communicate, directly or indirectly, with any putative Member of the Collective Action about settlement of any outstanding wage claims related to this suit during the opt-in period.

Dated this 14th day of June, 2018.

s/ William C. Griesbach

William C. Griesbach, Chief Judge
United States District Court